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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE JESUS MUNOZ,

Defendant.

Case No. CR 16–00125 BLF

**STIPULATION AND ~~PROPOSED~~
ORDER RE: SENTENCE REDUCTION
UNDER USSG AMENDMENT 821**

The parties, by and through their respective counsel, HEREBY STIPULATE AND AGREE:

1. Defendant is making an unopposed motion for modification of his sentence pursuant to 18 U.S.C. § 3582(c)(2).

2. Defendant’s guideline calculation at the time of sentencing was as follows:

Total Offense Level: 33

Criminal History Category: I

Guideline Range: 135-168 months

Mandatory Minimum: not applicable (safety valve)

3. On March 28, 2018, Defendant was sentenced to 120 months’ imprisonment.

1 4. According to the Bureau of Prisons, Defendant's projected release date is November 22,
2 2025.

3 5. Beginning November 1, 2023, this Court may order a modification of a defendant's
4 sentence pursuant to 18 U.S.C. § 3582(c)(2), USSG § 1B1.10, and Amendment 821, Part B, Subpart
5 1 (Zero-Point Offenders) to the Sentencing Guidelines.

6 6. Defendant's amended guideline calculation is as follows:

7 Total Offense Level: 31

8 Criminal History Category: I

9 Guideline Range: 108-135 months

10 Mandatory Minimum: not applicable (safety valve)

11 7. The parties have no reason to dispute the Sentence Reduction Investigation Report
12 prepared by the Probation Office, which will be submitted to the Court forthwith.

13 8. Based upon the foregoing, including Defendant's post-sentencing conduct, the parties
14 hereby stipulate and request that the Court enter an order **reducing Defendant's total term of**
15 **custody to 108 months.**

16 9. The parties further stipulate that all other aspects of the original judgment entered on
17 March 30, 2018, including the length of the term of supervised release, conditions of supervision,
18 fines, restitution, and special assessment shall remain unchanged.

19 10. Defendant waives and does not request a hearing in this matter, pursuant to Fed. R.
20 Crim. P. 43, 18 U.S.C. § 3583(c)(2), and *United States v. Booker*, 543 U.S. 220 (2005).

21 11. Defendant waives his right to appeal the district court's sentence, provided that the
22 Court accepts this Stipulation and orders the agreed upon reduction.

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HON. BETH L. FREEMAN
United States District Judge